

Remarks and Arguments

Claims 1-20 are pending. Claim 1 is currently amended.

The Examiner's objection to document EP744630 of the Information Disclosure Statement is noted. Applicant will resubmit the document at a later date with the required explanation.

Rejections Under 35 USC 112

Claims 1-20 were rejected under 35 U.S.C. 112, ¶ 2, as being indefinite. Each issue raised by the examiner is addressed below.

Claim 1 was rejected because the relation between the acoustic locator and the VDR is ambiguous. More specifically, the Examiner asserts that claim 1 teaches that the VDR includes elements a-f, but the acoustic locator (element f) is described in claim 1 as being "coupled to the VDR". Applicant requests reconsideration of this rejection in view of the present amendment to claim 1. Claim 1 has been amended to specify that the VDR system includes a housing and that the acoustic locator is coupled to the housing. Support for this amendment is found in the specification, at least, at paragraph [45] and FIG. 1. No new matter is presented. Accordingly, claim 1 and dependent claims 2-20 are allowable under Section 112.

Rejections Under 35 USC 103

The Examiner rejected claims 1-20 under 35 USC § 103(a) as being unpatentable over Masten Jr. (US 2003/0185296) in view of Li, et al (US 2003/0097661) and further in view of Bartoe, Jr. et al. (US 3,688,029). As described in Applicant's specification, the pattern generator is part of an acoustic locator coupled to the housing of the DVR system and used for underwater location of the DVR system following an incident. The Examiner states that "Bartoe teaches an acoustic locator 21 (fig. 1) comprising a pattern generator coupled to the video data recorder 24 (fig. 1) (col. 11, lines 48-56)". The Examiner asserts that it would have been obvious to include an acoustic locator 21 of Bartoe to the VDR taught by Masten "in order to use the VDR to detect the location of an object relative to the VDR system on board a marine vehicle". Applicant traverses this rejection and respectfully requests reconsideration in view of the present amendments to claim 1.

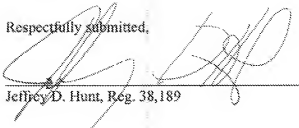
Claim 1 has been amended to specify that the DVR system includes a housing and an acoustic locator coupled to the housing to assist in locating the DVR system in an investigation. The combined references clearly do not disclose, teach or suggest such a construction. First, Applicant respectfully submits that Masten Jr. does not disclose, teach or suggest an "aircraft DVR system" comprising, among other elements, "a hardened housing for protecting the digital memory array from damage in the event of an accident" as specified in claim 1. Masten Jr. actually teaches away from the system specified in claim 1, because Masten obviously fails to appreciate any of the problems associated with making an aircraft DVR system which is protected to survive the stresses imparted by an aircraft crash. Neither Li et al. nor Bartoe Jr. cures these deficiencies of Masten Jr. Neither Masten Jr., Li et al., nor Bartoe Jr. discloses, teaches or suggests "an aircraft DVR system" as specified in claim 1, as amended. Second, the combined references certainly do not teach an "aircraft DVR system" which operates according to an IP protocol as specified in claim 1. Accordingly, claim 1 as amended is allowable over the combined references under Section 103.

Claims 2-20, which are dependent upon claim 1, are allowable for the reasons set forth regarding claim 1, and further in view of the additional subject matter set forth therein. For example, claim 4 specifies that the signal generating device is an IP protocol camera, and none of the cited references teach such a construction. Also, for example, claim 10 specifies that the signal generating device is a legacy flight data acquisition and management system. The references certainly do not teach this construction. Clearly, the combined references do not teach the elements specified in claims 2-20.

Applicant respectfully submits that claims 1-20 are distinguishable from the cited references and are now allowable for the reasons stated above. The requested amendment is believed to place the application in condition for allowance or in better condition for appeal, and its entry is therefor respectfully solicited. If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

The Commissioner is hereby authorized to withdraw or credit any filing fees or extension fees associated with this Response from Moore Landrey LLP Deposit Account No. 50-4128.

Respectfully submitted,



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